

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ERNEST JAMAL NELSON,</b>	:	<b>CIVIL ACTION NO. 1:09-CV-1731</b>
<b>Plaintiff</b>	:	
	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>JEFFERY BEARD, RAYMOND LAWLER,</b>	:	
<b>DR. P. SHOAF, MARY SHOWALTER,</b>	:	
<b>B. CORBIN and ALAN FOGEL,</b>	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 30th day of November, 2010, upon consideration of the report of United States Magistrate Judge Malachy E. Mannion (Doc. 30), recommending that the motion to dismiss (Doc. 14) filed by defendants Jeffrey Beard, Raymond Lawler, Mary Showalter, B. Corbin and Alan Fogel be granted, the motion for summary judgment (Doc. 18) filed by defendant Dr. P. Shoaf be granted, and that the motion for preliminary injunction filed by plaintiff Ernest Jamal Nelson (Doc. 26) be denied, and, following an independent review of the record and noting that plaintiff Nelson filed objections<sup>1</sup> to the report on October 18, 2010 (Doc. 38), and the court finding Judge Mannion's analysis to be thorough and well-reasoned, and the court finding plaintiff's objections to be without merit and squarely addressed by Judge Mannion's report, it is hereby ORDERED that:

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

1. The report of Magistrate Judge Mannion (Doc. 30) is ADOPTED.
2. The motion to dismiss (Doc. 14) filed by defendants Jeffrey Beard, Raymond Lawler, Mary Showalter, B. Corbin and Alan Fogel is GRANTED in its entirety.
3. The motion for summary judgment (Doc. 18) filed by defendant Dr. P. Shoaf is GRANTED in its entirety.
4. The Clerk of Court is directed to enter JUDGMENT in favor of all defendants and against plaintiff on all claims.
5. Plaintiff's motion for preliminary injunction (Doc. 26) is DENIED.
5. The Clerk of Court is directed to CLOSE this matter.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge